

105TH CONGRESS
1ST SESSION

H. R. 1847

To improve the criminal law relating to fraud against consumers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1997

Mr. GOODLATTE introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To improve the criminal law relating to fraud against
consumers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telemarketing Fraud
5 Prevention Act of 1997”.

6 **SEC. 2. FORFEITURE OF FRAUD PROCEEDS.**

7 Section 982(a) of title 18, United States Code, is
8 amended by adding at the end the following:

9 “(6) The Court, in sentencing a defendant for
10 an offense under section 2326, shall order that the

1 defendant forfeit to the United States any real or
2 personal property—

3 “(A) used or intended to be used to com-
4 mit or to promote the commission of such of-
5 fense, if the court in its discretion so deter-
6 mines, taking into consideration the nature,
7 scope, and proportionality of the use of the
8 property in the offense; and

9 “(B) constituting, derived from, or trace-
10 able to the gross receipts that the defendant ob-
11 tained directly or indirectly as a result of the
12 offense.”.

13 **SEC. 3. SENTENCING GUIDELINES CHANGES.**

14 Pursuant to its authority under section 994(p) of title
15 28, United States Code, the United States Sentencing
16 Commission shall review and amend the sentencing guide-
17 lines to provide a sentencing enhancement for any offense
18 listed in section 2326 of title 18, United States Code—

19 (1) by at least 4 levels if the circumstances au-
20 thorizing an additional term of imprisonment under
21 section 2326(1) are present; and

22 (2) by at least 8 levels if the circumstances au-
23 thorizing an additional term of imprisonment under
24 section 2326(2) are present.

1 **SEC. 4. INCREASED PUNISHMENT FOR USE OF FOREIGN**
 2 **LOCATION TO EVADE PROSECUTION.**

3 Pursuant to its authority under section 994(p) of title
 4 28, United States Code, the United States Sentencing
 5 Commission shall amend the sentencing guidelines to in-
 6 crease the offense level for any fraud offense by at least
 7 2 levels if the defendant conducted activities to further
 8 the fraud from a foreign country.

9 **SEC. 5. CLARIFICATION OF ENHANCEMENT OF PENALTIES.**

10 Section 2327(a) of title 18, United States Code, is
 11 amended by striking “under this chapter” and inserting
 12 “for which an enhanced penalty is provided under section
 13 2326 of this title”.

14 **SEC. 6. ADDITION OF CONSPIRACY OFFENSES TO SECTION**
 15 **2326 ENHANCEMENT.**

16 Section 2326 of title 18, United States Code, is
 17 amended by inserting “, or a conspiracy to commit such
 18 an offense,” after “or 1344”.

○